

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANONYMOUS,

Petitioner,

-against-

MARK MILLER, Superintendent Green Haven
Correctional Facility,

Respondent.

24-CV-1360 (RA) (RFT)

ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

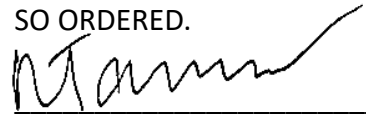
Petitioner submitted a pro se declaration dated March 18, 2024, requesting that his petition be held in abeyance while he fully exhausts his state court process for resentencing. (*See* ECF 7, Ex. A, Stay Request at 1.) Petitioner claims that the issues currently pending in the state court proceedings “were not raised on direct appeal due to appellate counsel[']s failure to present them and because the information was not available at the time of the filing.” (*Id.* at 3.) In accordance with my Order dated April 15, 2024, Petitioner’s counsel submitted a letter addressing the stay request and the status of counsel’s representation of Petitioner. (*See* ECF 8.) On May 3, 2024, Respondent submitted a letter opposing the stay. (ECF 14.)

Accordingly, Petitioner shall have until **June 10, 2024**, to reply to Respondent’s opposition letter. In his submission, Petitioner is directed to explain in further detail his failure to exhaust all available state court remedies earlier, including why his appellate counsel did not present these issues on direct appeal and what information was unavailable at the time he filed his direct appeal in state court.

Counsel for Petitioner is directed to provide a copy of this order and (2) Respondent's opposition letter, ECF 14, to Petitioner.

DATED: May 8, 2024
New York, New York

SO ORDERED.

A handwritten signature in black ink, appearing to read 'RTarnofsky', written over a horizontal line.

ROBYN F. TARNOFSKY
United States Magistrate Judge